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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,585	10/31/2001	Mark D. Seaman	10008309 - 1	1949

7590 08/22/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/001,585

Applicant(s)

SEAMAN ET AL.

Examiner

Brian Jelinek

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

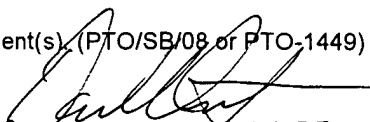
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 12-24 and 38-53.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER

See attached.

The amendments to the independent claims (12, 19, 23, 46, and 50), wherein enabling the captured image to be ordered in a time sequence and enabling the captured image to be grouped is positively recited, change the scope of the claims.

The Applicant argues that Nakamura and Nicholson do not teach associating the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event. In response, Nakamura clearly discloses receiving data comprising information about an image capture event and associating the data and image. Furthermore, Nicholson clearly teaches associating a time stamp with images of events because Nicholson discloses that images of events can be recalled with entry of a time identification parameter (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to have associated an image, data received corresponding to the image, and the time of image capture in order to retrieve images (and annotations) of events that occurred on a specific day (Nicholson: pg. 4, par. 2). Furthermore, Nicholson discloses the captured image is ordered in a time sequence with a plurality of images captured by other image capture devices because each table comprises a camera (pg. 2, line 7-8) and all images on any table in a pit during a given time period may be retrieved (pg. 4, par. 2), wherein the retrieved images of the time period are implicitly ordered.

The Applicant argues that Nakamura, Steinberg, and Nicholson fail to disclose an "event bookmark comprising meta-data relating to at least one predefined occurrence in the event". In response, the Examiner notes that claims do not limit in any way what comprises a "predefined occurrence". The Examiner maintains that when the user frames Taro the Lion, the user is predefining an occurrence in the event of capture and receiving image and annotation data of Taro the Lion.

The Applicant argues that Honda fails to teach a clock residing in the image capture device, the clock configured to generate a timestamp such that the time stamp is associated with the captured image and event bookmark. In response, Honda discloses a clock generation circuit 19d that calculates the time taken for transmission from the GPS satellite to the camera, wherein the transmission time is a timestamp used to generate location data, and wherein timestamp is associated with the captured image and bookmark because the location and time data are recorded upon shutter release (col. 3, line 65-col. 4, line 1).